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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/292,365

06/03/1999

Ronald Chi Hong Lee

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06/01/2006

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EXAMINER

LIN, KELVIN Y

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/292,365

Applicant(s)

LEE ET AL.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 7-8, 10-11, 18-19 are rejected under 35 USC 102(b) as being anticipated by Bigham et al., (USPN 5740075).
2. Regarding claim 1, Bigham teaches a management system for a data communication network, the management system comprising:
 - a) a plurality of application objects each corresponding to an application available on a data communication network and each specifying a network connection point for the corresponding application (Bigham, col.12, 49-58, col.13, l.47-67, col.14, l.27-32, in which the application submodule corresponding to each access and connection point of the network, see col.13, l.47-48);
 - b) a plurality of subscriber objects each corresponding to a subscriber having a connecting to the data communication network, each subscriber object specifying a network communication point for the corresponding subscriber (Bigham, col.5, l.35-52);
 - c) a user interface permitting an operator to create a subscription object associating one of the subscriber objects and one of the application objects (Bigham, col.8, l.41-50);and,

- d) a network manager for creating in the data communication network at least one communication channel for each subscription object, the communication channel connecting the network connecting point for the subscriber of the subscription object and the network connection point for the application of the subscription object (Bigham, col.8, l.7-21, the network creation and connection established by the access controller, and also refers to l.51-65).
3. Regarding claim 7, Rai discloses the management system of claim 1 wherein the data communications network comprises an ATM network and the communication channel are virtual channel connections (Bigham, col.17, l.15-25)
 4. Regarding claim 8, Bigham discloses the management system of claim 1 wherein no virtual channel connection is associated more than one subscription (Bigham, col.10, l.35-42, in which the point-to-point corresponding to the no VC is associated with more than one subscription).
 5. Claims 10-11 have the similar limitation as claims 1, and 7. Therefore, claims 10-11 are rejected for the same reason set forth in the rejection of claims 1, and 7.
 6. Claim 18 has the similar limitation as claim 7. Therefore, claim 18 is rejected for the same reason set forth in the rejection of claim 7.
 7. Claim 19 has the similar limitation as claim 1. Therefore, claim 18 is rejected for the same reason set forth in the rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-3, 12-13 are rejected under 35 USC 103(a) as being unpatentable over Bigham in view of Fijolek et al., (US Patent No. 6986157).

Bigham does not specifically disclose the quality of service level.

However, Fijolek discloses, regarding claim 2, the management system of claim 1 wherein the application objects each contain information specifying a quality of service level for the communication channel and the network manager is adapted to create the communication channel having the specified quality of service level (Fijolek, col.33, l.58-67, col.34, l.1-10).

Because knowing the communication channel having the specified of Qos, Cos associated with the MAC (Media Access Control) in the Fijolek's structure, furthermore, in Bigham's MAC control is also performed to ensure proper timing of resulting signal (col.43, l.51-52). It would have been obvious to use the Qos scheme of Fijolek in device of Bigham to improve the reliability. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at

the time of the invention.

9. Regarding claim 3, Fijolek discloses the management system of claim 2 wherein the quality of service level includes a peak bit rate for communication over the communication channel in a direction from the subscriber to the application and a different peak bit rate for communication over the communication channel in a direction from the application to the subscriber (Fijolek, col4, l.40-45, and cable modem essential has the downstream peak rate (36 MBPS) from application to the subscriber, and upstream peak rate (10 MBPS) from subscriber to application, see Microsoft dictionary, p.80).
10. Claims 12-13 have the similar limitation as claims 1-3. Therefore, claims 12-13 are rejected for the same reason set forth in the rejection of claims 2-3.
11. Claims 4-6, 9, and 14-17 are rejected under 35 USC 103(a) as being unpatentable over Bigham in view of Fijolek and further in view of Rai et al., (USPN 6377982)

Bigham and Fijolk do not specifically disclose the status of disable/ enable used for disconnect/connect the communication channel.

However, Rai discloses, regarding claim 4, the management system of management system of claim 1 wherein each subscription has a status, the system includes means for an operator to set the status to enabled or disabled and the network manager is adapted to cause the data communication network to disconnect the communication channel for a subscription whenever the status of the subscription is disabled (Rai, col.33, l.17-23).

Because in Rai's structure, it performs the Qos features associates with MAC device and provides service enable/disable flag. As discussed above, Bigham's MAC control is also performed to ensure proper timing of resulting signal (col.43, l.51-52). Then, it would have been obvious to use the enable/disable flag of Rai incorporating with the device of Bigham to improve the reliability.

Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention.

12. Regarding claim 5, Rai discloses The management system of claim 4 comprising a service subscription agent, the service subscription agent comprising a user interface accessible to a subscriber, the user interface providing a control whereby the subscriber of that subscriber may change the status of any of one or more subscriptions of that subscriber from enabled to disabled or from disabled to enabled (Rai, col.33, l.17-18, the flag may set by the administrator).
13. Regarding claim 6, Rai discloses the management system of claim 1 comprising a statistics collector, the statistics collector collecting statistics regarding communication channel of the data communication network, the management system comprising means for selecting and aggregating statistics for all of one or more communication channel used in the provision of a service of a subscription over a selected period (Rai, col.27, l.67).
14. Regarding claim 9, Rai discloses the management system of claim 5 wherein the network comprises a name server and the service selection agent (Rai, col.10,

Art Unit: 2142

l.6-15) comprises a plurality of service selection servers and a plurality of user software capable of connecting to the service selection servers, wherein the user software may change the status of any of one or more subscriptions comprises a timer connected to measure a response time taken for a connected service selection server to respond to a command and the user software is adapted to request from the name server a connection to a different service selection server if the measured response time exceeds a threshold time (Rai, col.28, l.35-44, col.30, l.10-11).

15. Claims 14-17 have the similar limitation as claims 4,5, 6, and 9. Therefore, claims 14-16 are rejected for the same reason set forth in the rejection of claims 4,5 and 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898.

The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/24/06

KYL



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER